

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

DANIEL ROSENTHAL,

Plaintiff,

vs.

MARCIA HARTMAN,

Defendant.

Case No. 2:07-cv-01204-KJD-PAL

ORDER

(Mot/Exam Judgment Debtor - Dkt #59)

Before the court is an *Ex Parte* Motion for Order Allowing Examination of Judgment Debtor (Dkt. #59). The application seeks an order requiring the Defendant, Marsha Hartman, to appear for a judgment debtor examination. The application is based on the provisions of N.R.S. 21.270 and Fed. R. Civ. P. 69(a)(2).

The district judge entered a default judgment against the Defendant on April 29, 2009 in the amount of \$210,350. See Dkt. #58. Plaintiff seeks to examine Defendant Hartman under oath to determine whether she has any assets available to satisfy the judgment. Plaintiff also seeks an order requiring her to bring documents identified in the application to the examination. N.R.S. 21.270 and Fed. R. Civ. P. 69(a)(2) authorize a judgment debtor examination. However, N.R.S. 21.270(1)(b) provides that no judgment debtor may be required to appear outside the county in which he or she resides. The application does not address the county in which the judgment debtor resides.

Accordingly,

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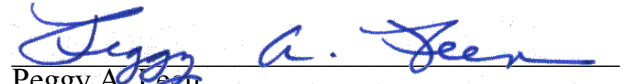
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1 **IT IS ORDERED** Plaintiff's *Ex Parte* Motion for Order Allowing Examination of Judgment
2 Debtor (Dkt. #59) is **DENIED** without prejudice. If the Defendant/Judgment Debtor is a resident of
3 Clark County, Nevada, Plaintiff may re-file the motion. The motion shall attach a proposed order.

4 Dated this 2nd day of August, 2011.

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7 Peggy A. Leen
8 United States Magistrate Judge
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